



582326

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/22/2024	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Osgood) recommended the following:

1 **Senate Amendment to Amendment (585928) (with title**
2 **amendment)**

3
4 Between lines 2100 and 2101
5 insert:

6 Section 14. Section 718.128, Florida Statutes, is amended
7 to read:

8 718.128 Electronic voting.—The association may conduct
9 elections and other unit owner votes through an Internet-based
10 online voting system if a unit owner consents, electronically or



582326

11 in writing, to online voting and if the following requirements
12 are met:

13 (1) The association provides each unit owner with:

14 (a) A method to authenticate the unit owner's identity to
15 the online voting system.

16 (b) For elections of the board, a method to transmit an
17 electronic ballot to the online voting system that ensures the
18 secrecy and integrity of each ballot.

19 (c) A method to confirm, at least 14 days before the voting
20 deadline, that the unit owner's electronic device can
21 successfully communicate with the online voting system.

22 (2) The association uses an online voting system that is:

23 (a) Able to authenticate the unit owner's identity.

24 (b) Able to authenticate the validity of each electronic
25 vote to ensure that the vote is not altered in transit.

26 (c) Able to transmit a receipt from the online voting
27 system to each unit owner who casts an electronic vote.

28 (d) For elections of the board of administration, able to
29 permanently separate any authentication or identifying
30 information from the electronic election ballot, rendering it
31 impossible to tie an election ballot to a specific unit owner.

32 (e) Able to store and keep electronic votes accessible to
33 election officials for recount, inspection, and review purposes.

34 (3) A unit owner voting electronically pursuant to this
35 section shall be counted as being in attendance at the meeting
36 for purposes of determining a quorum. A substantive vote of the
37 unit owners may not be taken on any issue other than the issues
38 specifically identified in the electronic vote, when a quorum is
39 established based on unit owners voting electronically pursuant



582326

40 to this section.

41 (4) This section applies to an association that provides
42 for and authorizes an online voting system pursuant to this
43 section by a board resolution. The board resolution must provide
44 that unit owners receive notice of the opportunity to vote
45 through an online voting system, must establish reasonable
46 procedures and deadlines for unit owners to consent,
47 electronically or in writing, to online voting, and must
48 establish reasonable procedures and deadlines for unit owners to
49 opt out of online voting after giving consent. Written notice of
50 a meeting at which the resolution will be considered must be
51 mailed, delivered, or electronically transmitted to the unit
52 owners and posted conspicuously on the condominium property or
53 association property at least 14 days before the meeting.
54 Evidence of compliance with the 14-day notice requirement must
55 be made by an affidavit executed by the person providing the
56 notice and filed with the official records of the association.

57 (5) A unit owner's consent to online voting is valid until
58 the unit owner opts out of online voting according to the
59 procedures established by the board of administration pursuant
60 to subsection (4).

61 (6) This section may apply to any matter that requires a
62 vote of the unit owners who are not members of a timeshare
63 condominium association.

64 Between lines 2807 and 2808
65 insert:

66 Section 22. Section 719.129, Florida Statutes, is amended
67 to read:

68 719.129 Electronic voting.—The association may conduct



582326

69 elections and other unit owner votes through an Internet-based
70 online voting system if a unit owner consents, electronically or
71 in writing, to online voting and if the following requirements
72 are met:

73 (1) The association provides each unit owner with:

74 (a) A method to authenticate the unit owner's identity to
75 the online voting system.

76 (b) For elections of the board, a method to transmit an
77 electronic ballot to the online voting system that ensures the
78 secrecy and integrity of each ballot.

79 (c) A method to confirm, at least 14 days before the voting
80 deadline, that the unit owner's electronic device can
81 successfully communicate with the online voting system.

82 (2) The association uses an online voting system that is:

83 (a) Able to authenticate the unit owner's identity.

84 (b) Able to authenticate the validity of each electronic
85 vote to ensure that the vote is not altered in transit.

86 (c) Able to transmit a receipt from the online voting
87 system to each unit owner who casts an electronic vote.

88 (d) For elections of the board of administration, able to
89 permanently separate any authentication or identifying
90 information from the electronic election ballot, rendering it
91 impossible to tie an election ballot to a specific unit owner.

92 (e) Able to store and keep electronic votes accessible to
93 election officials for recount, inspection, and review purposes.

94 (3) A unit owner voting electronically pursuant to this
95 section shall be counted as being in attendance at the meeting
96 for purposes of determining a quorum. A substantive vote of the
97 unit owners may not be taken on any issue other than the issues



582326

98 specifically identified in the electronic vote, when a quorum is
99 established based on unit owners voting electronically pursuant
100 to this section.

101 (4) This section applies to an association that provides
102 for and authorizes an online voting system pursuant to this
103 section by a board resolution. The board resolution must provide
104 that unit owners receive notice of the opportunity to vote
105 through an online voting system, must establish reasonable
106 procedures and deadlines for unit owners to consent,
107 electronically or in writing, to online voting, and must
108 establish reasonable procedures and deadlines for unit owners to
109 opt out of online voting after giving consent. Written notice of
110 a meeting at which the resolution will be considered must be
111 mailed, delivered, or electronically transmitted to the unit
112 owners and posted conspicuously on the condominium property or
113 association property at least 14 days before the meeting.
114 Evidence of compliance with the 14-day notice requirement must
115 be made by an affidavit executed by the person providing the
116 notice and filed with the official records of the association.

117 (5) A unit owner's consent to online voting is valid until
118 the unit owner opts out of online voting pursuant to the
119 procedures established by the board of administration pursuant
120 to subsection (4).

121 (6) This section may apply to any matter that requires a
122 vote of the unit owners who are not members of a timeshare
123 cooperative association.

124

125 ===== T I T L E A M E N D M E N T =====

126 And the title is amended as follows:



582326

127 Delete line 3104
128 and insert:
129 act; amending s. 718.128, F.S.; authorizing a
130 condominium association to conduct elections and other
131 unit owner votes through an online voting system if a
132 unit owner consents, either electronically or in
133 writing, to online voting; revising applicability;
134 amending s. 718.301, F.S.; revising items that
135
136 Delete line 3143
137 and insert:
138 changes made by the act; amending s. 719.129, F.S.;
139 authorizing cooperative associations to conduct
140 elections and other unit owner votes through an online
141 voting system if a unit owner consents, either
142 electronically or in writing, to online voting;
143 revising applicability; amending s. 719.301, F.S.;